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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,532	11/27/2001	Vy Khanh Huyhn	CM2479	8521
27752	7590	02/16/2006		
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER OGDEN JR, NECHOLUS	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,532

Applicant(s)

HUYHN ET AL.

Examiner

Necholus Ogden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. Claim 20, 32, 34, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Deleo et al (6,340,663) is withdrawn.
2. Claims 20-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherry et al (6,716,805) is withdrawn in view of applicant's 103(c) statement.

Response to Arguments

3. Applicant's arguments with respect to claims 20-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. Claims 20, 32, 34-45, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deleo et al (6,340,663).

Deleo et al disclose a cleaning wipe for hard surfaces such as ceramics and glass (col. 2, lines 5-12) wherein said wipe is impregnated with at least one layer of nonwoven material and comprises a surfactant (col. 3, lines 3-10). Specifically, said wipe is a nonwoven sheet of at least one material made of pulp, polyester, rayon, nylon, polypropylene, polyethylene and mixtures thereof (col. 3, lines 25-31). Deleo et al further include surfactants, thickeners, solvents and chelating agents (columns 5-10). Note, see Table II of a thickened formulation for the liquid cleanser.

Deleo et al do not teach with sufficient specificity each of the claimed limitations to produce applicant's cleansing article. However, It would have been obvious to one of ordinary skill in the art to produce the claimed cleansing article by combining the layers of Deleo et al with the surfactant composition to produce an article for cleansing hard

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surfaces such as ceramics and glass, which are common materials in dishware components, absent a showing to the contrary and in view of the teachings disclosed in Deleo et al.

Applicant argues that Deleo et al do not teach more than one layer having a nonwoven or paper substrate and a more abrasive substrate comprising a polymeric mesh or scrim of selected materials.

The examiner contends that Deleo et al teach that said article may be at least one layer which may comprise a mixture of wood pulp, polyester, nylon, polypropylene polyethylene and mixtures thereof (col. 3, lines 26-33). Therefore, it would have been obvious to one of ordinary skill in the art to produce an article that comprises at least one layer, of materials as suggested in Deleo et al to encompass a nonwoven or paper layer and a polymeric layer of suggested material in view of the teaching disclosed in Deleo et al.

5. Claims 20-22, 24-26, 29, 32, 34-35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (3,175,331).

Klein discloses a cleaning aid and/or scouring pad for fine porcelain (col. 1, line 50) or household utensils and like surfaces (col. 3, lines 53-55) comprising one or more fibrous batts, heat-sealed to have an enclosed detergent therein and wherein said pad has an outer surface that has a grit adhered to thereto (col. 1, lines 5-18 and col. 6, lines 54-74). Klein further teaches that said pad is formed of two or more batts of identical or different batts so as that opposite surfaces of the batts can be used in different types of cleansing or scouring jobs (col. 1, lines 40-46). Klein further teaches

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that said multi-layer cleansing material may comprise materials such as nylon, polypropylene, polyester, rayon, cellulose acetate, copolymer fibers and the like (col. 2, lines 1-15).

Klein does not teach with sufficient specificity each of the claimed limitations to produce applicant's cleansing article. However, It would have been obvious to one of ordinary skill in the art to produce the claimed cleansing article by combining the multilayered article of Klein with the surfactant composition to produce an article for cleansing hard surfaces such as ceramics and household utensils, which are common materials in dishware components, absent a showing to the contrary and in view of the teachings disclosed in Klein.

6. Claims 20-21, 24-29, 32-36, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lloyd et al (4,624,890).

Lloyd et al disclose an article suitable for cleaning household surfaces, wherein the said substrate is a fibrous article such as nonwoven fabric comprising one or more layers and impregnated with a cleansing composition (col. 3, lines 29-68). Lloyd et al teach that said fabric comprises wood pulp, polyamide fibers, polyesters and mixtures (Table 1). Lloyd et al further teach that said substrate is dry and can be moistened or dipped into a cleansing composition at point of use or impregnated in dry form (col. 7, lines 30-49). Moreover Lloyd et al further teach that said multi-layered cleansing article may comprise an absorbent material having a controlled release layer of a plastic material sandwiched between two heat sealed sheet substrate layers (col. 8, lines 26-65) and

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coated with a polyethylene coating to form a controlled release sheet substrate (co. 12, lines 19-63).

Lloyd et al do not teach with sufficient specificity each of the claimed limitations to produce applicant's cleansing article. However, It would have been obvious to one of ordinary skill in the art to produce the claimed cleansing article by combining the multilayered article of Lloyd et al with the surfactant composition to produce an article for removing soil from household surface or kitchen environments, which are synonymous for dishware materials, absent a showing to the contrary and in view of the teachings disclosed in Lloyd et al.

7. Claims 20-23, 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyer et al (5,685,935).

Heyer et al disclose a nonwoven abrasive or scouring article for scouring pots and pans (col. 12, lines 10-19), comprising at least one major surface of said article comprises fibers such as polyamides or polyester fibers (col. 4, lines 30-44) or a bicomponent fiber having a core and sheath component (col. 5, lines 5-33). Heyer et al teaches contacting the pad with water and dishwashing liquid for the removal of food soil (col. 15, lines 61-col. 165, line 9).

Heyer et al do not teach with sufficient specificity each of the claimed limitations to produce applicant's cleansing article. However, It would have been obvious to one of ordinary skill in the art to produce the claimed cleansing article by combining the scouring article of Heyer et al with the surfactant composition and water to produce an

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article for removing soil from pots and pans, absent a showing to the contrary and in view of the teachings disclosed in Lloyd et al.

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 20-23, 32,37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 38 of copending Application No. 10/294,868. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims overlap in subject matter pertaining to a process of cleansing dishware comprising a wipe, nonwoven or paper substrate, an abrasive substrate and a dishwashing pastes.


This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Necholus Ogden whose telephone number is 571-272-1322. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Necholus Ogden
Primary Examiner
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